

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

Lavern Berryhill,

Plaintiff,

v.

Brad Henry,
et. Al.,

Defendants.

No. CIV 10-091-FHS-SPS

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a motion requesting the court to appoint counsel. She bears the burden of convincing the court that her claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court has carefully reviewed the merits of plaintiff's claims, the nature of factual issues raised in her allegations, and her ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering plaintiff's ability to present her claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). ACCORDINGLY, plaintiff's motion is **DENIED**.

IT IS SO ORDERED this 23rd day of March, 2010


Frank H. Seay
United States District Judge